THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.10700 of 2006

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Date: 31-05-2006

Between

Kolusu Pothuraju and another

…Petitioners

a n d

The Assistant Commissioner of Endowments, Guntur, Guntur District and others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.10700 of 2006

ORDER:

The petitioners state that their ancestors and themselves are the tenants in respect

of about Acs.9-00 of land in Survey No.328 of Battiprolu village belonging to Sri Vitaleswara Swami Temple, the fourth respondent herein. The fourth respondent issued an auction notice proposing to auction the leasehold rights for the years 2006-07 to 2008-09. The petitioners challenge the auction notice alleging that their tenancy has not been terminated and that the same is subsisting.

Heard the learned counsel for the petitioners, the learned Government Pleader for Endowments and the learned standing counsel for the fourth respondent Devasthanam.

Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, has brought about a statutory termination of the leases in respect of agricultural lands, held by the Hindu religious institutions. Facility was created, in favour of the landless poor, as certified by the Assistant Commissioner of Endowments in accordance with the procedure prescribed by the relevant rules. Therefore, question of issuance of any notice to the petitioners for termination of their tenancy does not arise. Further, having regard to the extent held by each of the petitioners, there is no possibility of their being declared as landless poor. At any rate, they did not choose to file an application before the Assistant Commissioner of Endowments. In that view of the matter, the petitioners do not have any right to interdict the proposed auction.

The Learned counsel for the petitioners submits that there is standing crop over the land and reasonable time may be granted to harvest the same. This Court cannot express any opinion, in such matters. If the petitioners want any time for harvesting any crop, it shall be open for them to represent the same to the fourth respondent, who in turn shall pass appropriate orders, depending on the situation obtaining on the site.

The writ petition is, accordingly, dismissed with the observations made above. No costs.

31-05-2006

Cvrk